

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALAN THOMAS HAHN,

Plaintiff,

v.

CIVIL ACTION NO. 05-70783

DISTRICT JUDGE LAWRENCE P. ZATKOFF

OFFICER FULLERTON, et. al.,

MAGISTRATE JUDGE DONALD A. SCHEER

Defendants.

_____ /

ORDER GRANTING IN PART PLAINTIFF'S
MOTION TO APPEND (SIC) AND UPDATE

Plaintiff, while incarcerated at the Standish Correctional Facility, in Standish, Michigan was allowed to proceed *in forma pauperis* and filed the instant Complaint, pursuant to 42 U.S.C. § 1983, on December 6, 2004, against thirty two prison officials employed by the Michigan Department of Corrections (MDOC), alleging that they had violated his federal constitutional rights as a result of various actions taken by them in connection with his incarceration. The case was originally filed in the Western District, but was transferred to this Court on February 4, 2005. (See Order of Transfer at Docket #1).

The district judge has referred Plaintiff's Motion to Append (sic) and Update (Docket No. 5) to the Magistrate Judge for hearing and determination. Upon reviewing the motion, I deem it to be a Motion to Amend the Complaint, cognizable under Fed.R.Civ.P. 15. As Defendants have not filed a responsive pleading to date, Plaintiff may amend his Complaint once as a matter of course. Plaintiff, however, has elected to do so by means of a "partial addendum to the pleadings" attached to his Motion. E.D. Mich. LR 15.1 governs the form

of a motion to amend and its supporting documentation. The Rule provides, in pertinent part, as follows:

A party who moves to amend a pleading shall attach the proposed amended pleading to the motion. Any amendment to a pleading, whether filed as a matter of course or upon a motion to amend, must, except by leave of court, reproduce the entire pleading as amended, and may not incorporate any prior pleading by reference.

E.D. Mich. LR 15.1 (emphasis added)

IT IS THEREFORE ORDERED that Plaintiff's Motion to Amend the Complaint is granted. IT IS FURTHER ORDERED, however, that Plaintiff shall comply with E.D. Mich. LR 15.1 by filing a complete Amended Complaint with the Clerk of this Court within thirty (30) days of the service of this Order upon him. A copy of the Amended Complaint must be served upon each Defendant.

That portion of Plaintiff's Motion to Append (sic) and Update requesting the appointment of counsel is denied. The court has no funds with which to retain counsel for Plaintiffs in civil actions.

The court notes that the record reflects no Proof of Service as to the Defendants. The court therefore refers Plaintiff to the provisions of Fed.R.Civ.P. 4(m).

s/Donald A. Scheer
DONALD A. SCHEER
UNITED STATES MAGISTRATE JUDGE

DATED: September 18, 2007

CERTIFICATE OF SERVICE

I hereby certify on September 18, 2007 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants on September 18, 2007. **Alan Thomas Hahn.**

s/Michael E. Lang
Deputy Clerk to
Magistrate Judge Donald A. Scheer
(313) 234-5217